

IN THE UNITED STATES COURT OF FEDERAL CLAIMS

CONFEDERATED TRIBES AND BANDS OF
THE YAKAMA NATION, a federally
recognized Indian tribe, and

No. 21-1527-RTH

YAKAMA FOREST PRODUCTS, an
instrumentality of the CONFEDERATED
TRIBES AND BANDS OF THE YAKAMA
NATION,

Plaintiffs,

v.

UNITED STATES OF AMERICA,

Defendant.

JOINT STATUS REPORT

Pursuant to this Court’s September 9, 2024, Scheduling Order, Plaintiffs, the Confederated Tribes and Bands of the Yakama Nation (“Yakama Nation”) and Yakama Forest Products, and Defendant, the United States of America (collectively, “Parties”), respectfully submit this Joint Status Report.

The Parties served initial RCFC 33 and 34 discovery requests on October 4, 2024. The Parties subsequently met and conferred concerning scheduling and jointly propose the following schedule for further proceedings in this action:

Document discovery (including ESI) complete	June 30, 2025
Fact witness depositions complete	August 25, 2025
Disclosure of Plaintiffs’ expert reports	October 10, 2025
Disclosure of Defendant’s expert reports	November 21, 2025
Disclosure of Plaintiffs’ rebuttal reports	January 12, 2026

Disclosure of Defendant's rebuttal reports	February 27, 2026
Expert depositions complete	April 30, 2026
Discovery closed	May 30, 2026
Motions (if any) under RCFC 56	July 30, 2026

Respectfully submitted: October 11, 2024.

TODD KIM
Acting Assistant Attorney General
U.S. Department of Justice
Environment and Natural Resources Division

/s/ Ethan Jones

/s/ Angela N. Ellis

Ethan Jones
Marcus Shirzad
Yakama Nation Office of Legal Counsel

Peter Kryn Dykema
Angela Ellis
U.S. Department of Justice
Environment and Natural Resources Division
Natural Resources Section
P.O. Box 663
Washington, D.C. 20044-0482
peter.dykema@usdoj.gov
Angela.Ellis@usdoj.gov
Tel: (202) 305-0436
Fax: (202) 305-0506
Attorney of Record for Defendant

401 Fort Road
Toppenish, Washington 98948
ethan@yakamanation-olc.org
marcus@yakamanation-olc.org
Tel : (509) 865-7268
Fax : (509) 865-4713
Attorneys of Record for Plaintiffs

OF COUNSEL FOR PLAINTIFFS

Josh Newton
Sarah Monkton
BEST BEST & KRIEGER LLP
360 SW Bond Street, Suite 400
Bend, Oregon 97702
josh.newton@bbklaw.com
sarah.monkton@bbklaw.com
Tel: (541) 382-3011
Fax: (541) 388-5410

CERTIFICATE OF SERVICE

I hereby certify that on October 11, 2024, I filed a true and correct copy of the foregoing document with the Clerk of the Court of Federal Claims via the CM/ECF system. Participants in this case who are registered CM/ECF users will be served by the CM/ECF system.

DATED: October 11, 2024.

/s/ Angela N. Ellis
Angela Ellis, Attorney of Record for Defendants